

BETTE DONATHAN, *et al.*,)
)
 Plaintiffs)
)
 v.) No. 4:07-cv-018
)
 THE ORTHOPAEDIC & SPORTS)
 MEDICINE CLINIC, *et al.*)
)
 Defendants)

This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

- (1) Delores K. White, D.O.: 50% (being \$9,633,130.15, plus interest and any costs allowed by the Court);
- (2) Ronald Gordon, M.D.: 40% (being \$7,706,505.14, plus interest and any costs allowed by the Court);

- (3) Christopher A. Will, CRNA: 5% (being \$963,313.01, plus interest and any costs allowed by the Court);
- (4) Cumberland Healthcare Group: 5% (being \$963,313.01, plus interest and any costs allowed by the Court);

It is also **ORDERED AND ADJUDGED** that the plaintiff, BEN DONATHAN, recover from the defendants DELORES K. WHITE, D.O., RONALD GORDON, M.D., CHRISTOPHER A. WILL, CRNA, and CUMBERLAND HEALTHCARE GROUP, the total amount of \$3,000,000 with interest as provided by law, along with any costs allowed by the Court, with the amount of the judgment apportioned as follows:

- (1) Delores K. White, D.O.: 50% (being \$1,500,000.00, plus interest and any costs allowed by the Court);
- (2) Ronald Gordon, M.D.: 40% (being \$1,200,000.00, plus interest and any costs allowed by the Court);
- (3) Christopher A. Will, CRNA: 5% (being \$150,000.00, plus interest and any costs allowed by the Court);
- (4) Cumberland Healthcare Group: 5% (being \$150,000.00, plus interest and any costs allowed by the Court);

It is further **ORDERED AND ADJUDGED** that the Orthopaedic & Sports Medicine Clinic, PLLC is liable for the percentage of fault and damages assessed to Delores K. White, D.O. (50%); that Cumberland Healthcare Group, PLLC is liable for the percentage of fault and damages apportioned to Ronald Gordon, M.D. (40%), Christopher A. Will, CRNA (5%) and Cumberland Healthcare Group (5%), that Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee

Medical Center is vicariously liable for the percentage of fault and damages apportioned by the jury to Ronald Gordon, M.D. (40 %), Christopher A. Will, CRNA (5%) and Cumberland Healthcare Group (5%); and, that Cumberland Healthcare Group, PLLC and Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center are both liable for the percentage of fault and damages apportioned by the jury to Ronald Gordon, M.D. (40%), Christopher A. Will, CRNA (5%), and Cumberland Healthcare Group (5%).

Therefore, it is **ORDERED and ADJUDGED** that the Plaintiff Bette Donathan have and recover judgments against the following in the sums indicated:

- (1) from Delores K. White, D.O., (and via vicarious liability from The Orthopaedic & Sports Medicine Clinic, PLLC) the sum of \$9,633,130.15, plus interest and any costs allowed by the Court;
- (2) from Ronald Gordon, M.D.,(and via vicarious liability from both Cumberland Healthcare Group, PLLC, and Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center) the sum of \$7,706,505.14, plus interest and any costs allowed by the Court;
- (3) from Christopher A. Will, C.R.N.A. (and via vicarious liability from both Cumberland Healthcare Group, PLLC, and Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center) the sum of \$963,313.01, plus interest and any costs allowed by the Court; and,
- (4) from Cumberland Healthcare Group, PLLC, (and via vicarious liability from Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center) the sum of \$963,313.01, plus interest and any costs allowed by the Court.

It is further **ORDERED AND ADJUDGED** that the Plaintiff Ben Donathan have and recover judgments against the following in the sums indicated:

- (1) from Delores K. White, D.O., (and via vicarious liability from The Orthopaedic & Sports Medicine Clinic, PLLC) the sum of \$1,500,000.00, plus interest and any costs allowed by the Court;
- (2) from Ronald Gordon, M.D., (and via vicarious liability from both Cumberland Healthcare Group, PLLC, and Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center) the sum of \$1,200,000.00, plus interest and any costs allowed by the Court;
- (3) from Christopher A. Will, C.R.N.A. (and via vicarious liability from both Cumberland Healthcare Group, PLLC, and Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center) the sum of \$150,000.00, plus interest and any costs allowed by the Court; and,
- (4) from Cumberland Healthcare Group, PLLC, (and via vicarious liability from Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center) the sum of \$150,000.00, plus interest and any costs allowed by the Court.

The Jury having rendered a verdict in favor of Defendants Elizabeth Reimers, M.D., and Faith E. Nance, CRNA, it is further **ORDERED AND ADJUDGED** that this cause be **DISMISSED WITH PREJUDICE** as to Defendants Elizabeth Reimers, M.D., and Faith E. Nance, CRNA, with the issues of whether, and to what extent, costs may be awarded to said Defendants reserved to a later date.

The jury found that the Defendant Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center was not directly at fault, so it is **ORDERED AND ADJUDGED** that all claims against it for direct fault are **DISMISSED WITH PREJUDICE**. Southern Tennessee Medical Center, LLC d/b/a Southern Tennessee Medical Center remains, however, liable for the fault of its agents as noted above.

April 8, 2010

Date

Patricia L. McNutt, Clerk

By: s/John Medearis
Deputy Clerk